

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DEVELOPERS SURETY &amp; INDEMNITY CO.</b>	:	<b>Civil Action No. 1:12-CV-2216</b>
	:	
	:	<b>(Chief Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>SHAHNAWAZ MATHIAS,</b>	:	
<b>DEBRA MATHIAS,</b>	:	
<b>EASTERN DEVELOPMENT &amp;</b>	:	
<b>DESIGN, and CHARTER HOMES</b>	:	
<b>BUILDING COMPANY</b>	:	

**ORDER**

AND NOW, this 11th day of December, 2013, upon consideration of the motion to dismiss (Doc. 23) by defendant Charter Homes Building Company, and for the reasons set forth in the accompanying memorandum, it is hereby

ORDERED that:

1. Defendant's motion to dismiss (Doc. 23) is GRANTED in part and DENIED in part:
  - a. The motion is GRANTED with respect to counts III, IV, V, and VI of the complaint (Doc. 1); and
  - b. The motion is DENIED with respect to count VII of the complaint (Doc. 1).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania